

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,  
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION  
OF RIGHTS TO THE USE OF WATER FROM  
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A21-11200  
Date Received: 4/19/1989  
Receipt No: E006928  
Received By: \_\_\_\_\_

COPY FOR  
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

COPY FOR  
YOUR FILES

1. Name: THE NATURE CONSERVANCY  
Address: A DISTRICT OF COLUMBIA  
NON-PROFIT CORP  
PO BOX 165  
SUN VALLEY ID

208-726-3007

83353

2. Date of Priority: OCT 2, 1912

3. Source: JONES CREEK

Trib. to: HENRYS FORK

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County  |
|----------|-------|---------|--------|--------|-----|-----|---------|
| 14N      | 44E   | 5       | SE     | NW     | SE  |     | FREMONT |

5. Description of diverting works:  
DIVERSION DAM TO DITCHES FOR FLOOD IRRIGATION

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S | (or) | A.F.A. |
|------------|-------|-------|-------|------|--------|
| IRRIGATION | 04/15 | 10/15 | 3.090 |      |        |
| STOCKWATER | 01/01 | 12/31 | 0.230 |      |        |

7. Total Quantity Appropriated is:  
3.320 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 231.4 Acre Feet Per Annum.

9. Non-irrigation uses:  
S/950 RANGE CATTLE

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10. Place of Use:

| Township | Range | Section | 1/4 of | 1/4 | Lot | Use | Acres |
|----------|-------|---------|--------|-----|-----|-----|-------|
| 14N      | 44E   | 7       | NE     | SW  | 6   | IRR |       |

10. Place of Use: Continued

| Township | Range | Section | 1/4 | of | 1/4 | Lot | Use           | Acres |
|----------|-------|---------|-----|----|-----|-----|---------------|-------|
| 14N      | 44E   | 7       | NE  |    | SW  | 6   | STOCK         |       |
|          |       |         | NE  |    | SE  | 5   | IRR           | 37.4  |
|          |       |         | NE  |    | SE  | 5   | STOCK         |       |
|          |       |         | NW  |    | SE  | 6   | IRR           | 27.0  |
|          |       |         | NW  |    | SE  | 6   | STOCK         |       |
|          |       |         | SE  |    | SE  | 12  | IRR           | 10.5  |
|          |       |         | SE  |    | SE  | 12  | STOCK         |       |
|          |       |         | SE  |    | SE  | 13  | IRR           | 0.3   |
|          |       |         | SE  |    | SE  | 13  | STOCK         |       |
|          |       |         |     |    |     |     | Section Acres | 75.2  |
|          |       | 8       | SW  |    | SW  | 2   | IRR           | 11.0  |
|          |       |         | SW  |    | SW  | 2   | STOCK         |       |
|          |       |         | SW  |    | SW  | 3   | IRR           | 25.0  |
|          |       |         | SW  |    | SW  | 3   | STOCK         |       |
|          |       |         |     |    |     |     | Section Acres | 36.0  |
|          |       | 17      | NW  |    | NW  | 1   | IRR           | 38.0  |
|          |       |         | NW  |    | NW  | 1   | STOCK         |       |
|          |       |         | NW  |    | NW  | 2   | IRR           | 0.3   |
|          |       |         | NW  |    | NW  | 2   | STOCK         |       |
|          |       |         | NW  |    | NW  | 3   | IRR           |       |
|          |       |         | NW  |    | NW  | 3   | STOCK         |       |
|          |       |         | SW  |    | NW  | 4   | IRR           | 2.1   |
|          |       |         | SW  |    | NW  | 4   | STOCK         |       |
|          |       |         |     |    |     |     | Section Acres | 40.4  |
|          |       | 18      | NE  |    | NE  | 1   | IRR           | 2.6   |
|          |       |         | NE  |    | NE  | 1   | STOCK         |       |
|          |       |         | NE  |    | NE  | 2   | IRR           |       |
|          |       |         | NE  |    | NE  | 2   | STOCK         |       |
|          |       |         |     |    |     |     | Section Acres | 2.6   |
|          |       |         |     |    |     |     | Total Acres   | 154.2 |

11. Place of use in counties: FREMONT

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:  
A21-11192/11194/11199

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14. Remarks:

CHANGE OF OWNERSHIP 5/2/94 SC

15. Basis of Claim: BENEFICIAL USE

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IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,  
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION  
OF RIGHTS TO THE USE OF WATER FROM  
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A21-11200  
Date Received: 4/19/1989  
Receipt No: E006928  
Received By: KCW

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name: MARYELLEN HITTSON  
Address: P.O. BOX 1715  
SUN VALLEY, ID

208-726-5009

83353

2. Date of Priority: OCT 02, 1912

3. Source: JONES CREEK

Trib. to: HENRYS FORK

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County  |
|----------|-------|---------|--------|--------|-----|-----|---------|
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|------------|-------|-------|--------|------|--------|
| IRRIGATION | 04/15 | 10/15 | 3.090  |      |        |
| STOCKWATER | 01/01 | 12/31 | 0.230  |      |        |

7. Total Quantity Appropriated is:  
3.320 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 231.4 Acre Feet Per Annum.

9. Non-irrigation uses:  
S/950 RANGE CATTLE

10. Place of Use:

| Township | Range | Section | 1/4 of | 1/4 | Lot | Use   | Acres |
|----------|-------|---------|--------|-----|-----|-------|-------|
| 14N      | 44E   | 7       | NE     | SW  | 6   | IRR   |       |
|          |       |         | NE     | SW  | 6   | STOCK |       |

A21-11200

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Date: 04/19/89

A2111200



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10. Place of Use: Continued

| Township | Range | Section | 1/4 of        | 1/4 | Lot | Use   | Acres |
|----------|-------|---------|---------------|-----|-----|-------|-------|
| 14N      | 44E   | 7       | NE            | SE  | 5   | IRR   | 37.4  |
|          |       |         | NE            | SE  | 5   | STOCK |       |
|          |       |         | NW            | SE  | 6   | IRR   | 27.0  |
|          |       |         | NW            | SE  | 6   | STOCK |       |
|          |       |         | SE            | SE  | 12  | IRR   | 10.5  |
|          |       |         | SE            | SE  | 12  | STOCK |       |
|          |       |         | SE            | SE  | 13  | IRR   | 0.3   |
|          |       |         | SE            | SE  | 13  | STOCK |       |
|          |       |         | Section Acres |     |     |       | 75.2  |
|          |       | 8       | SW            | SW  | 2   | IRR   | 11.0  |
|          |       |         | SW            | SW  | 2   | STOCK |       |
|          |       |         | SW            | SW  | 3   | IRR   | 25.0  |
|          |       |         | SW            | SW  | 3   | STOCK |       |
|          |       |         | Section Acres |     |     |       | 36.0  |
|          |       | 17      | NW            | NW  | 1   | IRR   | 38.0  |
|          |       |         | NW            | NW  | 1   | STOCK |       |
|          |       |         | NW            | NW  | 2   | IRR   | 0.3   |
|          |       |         | NW            | NW  | 2   | STOCK |       |
|          |       |         | NW            | NW  | 3   | IRR   |       |
|          |       |         | NW            | NW  | 3   | STOCK |       |
|          |       |         | SW            | NW  | 4   | IRR   | 2.1   |
|          |       |         | SW            | NW  | 4   | STOCK |       |
|          |       |         | Section Acres |     |     |       | 40.4  |
|          |       | 18      | NE            | NE  | 1   | IRR   | 2.6   |
|          |       |         | NE            | NE  | 1   | STOCK |       |
|          |       |         | NE            | NE  | 2   | IRR   |       |
|          |       |         | NE            | NE  | 2   | STOCK |       |
|          |       |         | Section Acres |     |     |       | 2.6   |
|          |       |         | Total Acres   |     |     |       | 154.2 |

11. Place of use in counties: FREMONT

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:  
A21-11192/11194/11199

14. Remarks:

A21-11200

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Date: 04/19/89

REPRODUCTION

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15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do        do not        wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments:                     

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s):                     

Date: 4/19/89

Date:                     

State of Idaho )

County of Bonanza )

SS.

Subscribed and sworn (or affirmed) before me this 19th day

of April 19 89

Betty J. Thompson  
Notary Public

Seal

Residing at                     

My Commission Expires

17. Notice of Appearance:

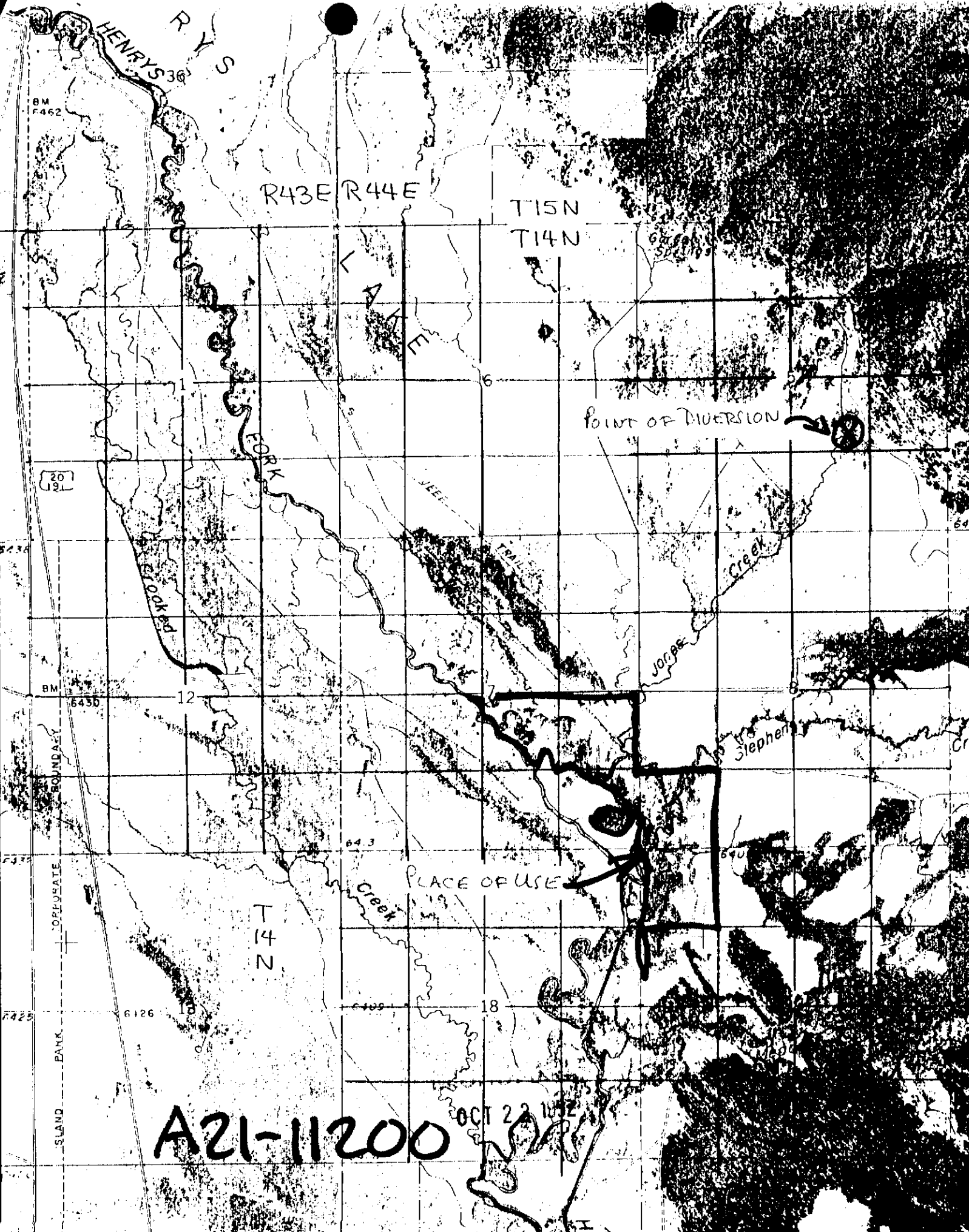
Notice is hereby given that I, Willis B. BENJAMIN will be  
Print Name  
acting as attorney at law on behalf of the claimant signing above, and that  
all notices required by law to be mailed by the director to the claimant  
signing above should be mailed to me at the address listed below.

Signature Willis B. Benjamin

Address P.O. Box 50050 Idaho Falls, Idaho 83405

Date 4/19/89

OCT 23 1992



HENRY'S FORK

R43E R44E

T15N  
T14N

POINT OF DIVERSION

PLACE OF USE

A21-11200

OCT 22 1952

OFFSHORE BANK

T14N

BM 6462

20  
191

BM 6430

6426

6409

18

12

6

642

Stephen Creek

JOHNS CREEK

FORK

BROOKS



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - FAX: (208) 525-7177

EASTERN REGION

CECIL D. ANDRUS  
GOVERNOR

R. KEITH HIGGINSON  
DIRECTOR

MAY 5, 1994

THE NATURE CONSERVANCY  
A DISTRICT OF COLUMBIA  
NON-PROFIT CORP  
PO BOX 165  
SUN VALLEY ID 83353

RE: CHANGE OF OWNERSHIP FOR A21-11200, A21-00163B,  
A21-11199, A21-11198, A21-11194, A21-00179, A21-00178,  
A21-11192

Dear Sirs:

The request for Change of Ownership concerning your Notice(s) of Claim in the above reference has been processed and the Notice(s) modified to reflect you as the new owner.

Enclosed is the typed Notice(s) with your name shown as the current owner. Review the forms and if there are other corrections or questions, feel free to contact this office.

If there are no questions or corrections, please keep these Notice for your records.

Respectfully submitted,

Sharla Cox  
Adjudication Secretary

CC: MARYELLEN HITTSON  
C/O MB HILLER PR  
PO BOX 52020  
IDAHO FALLS ID 83405

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# NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type  
(see instructions on back of page)

RECEIVED  
APR 28 1994

DATE OF CLOSING: April 1, 1994

LEGAL DESCRIPTION OF PROPERTY: Township 14 North Range 43 & 44 East Department of Water Resources  
Section See Exhibit A 1/4 of 1/4 of 1/4 Govt. Lot BM Eastern District Office  
Lot           , Block           , Subdivision/Townsite           .

If you have additional legal descriptions, please attach separate sheet. Legal description is attached hereto, made part hereof, and marked Exhibit A.

☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)

☐ Water Right Number(s) see next page -  
Assigned by IDWR: Attached hereto, made a part hereof, and marked Exhibit A.

☐ Name and Address of Former Owner/Claimant(s)(Seller): Maryellen Hittson Maryellen Hittson Estate  
P.O. Box 1715 c/o M. B. Hiller, P.R.  
Sun Valley, ID 83353 POB 52020, Idaho Falls, ID 83405

☐ New Owner/Claimant (Purchaser): The Nature Conservancy, a District of Columbia non-profit corp.

☐ New Mailing Address: P. O. Box 165  
Sun Valley, ID 83353

☐ New Telephone Number: (208) 726 - 3007

☐ Does the change in ownership result in a splitting of the water right owned/claimed? yes X no  
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

☐ Attach proof of ownership, describe proof attached: Personal Representative's Deed recorded April 1, 1994, in Fremont County Idaho

(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

☐ Signature of New Owner/Claimant(s) Guy B... Vice President Date 4-28-94

☐ Signature of Former Owner/Claimant(s): \_\_\_\_\_ Date \_\_\_\_\_

(Signature of former claimant(s) is not required if proof of ownership is attached.)

## FOR IDWR USE ONLY:

Initial Review and Data-Entry  
Date: \_\_\_\_\_ By: \_\_\_\_\_  
Further Action Needed:

Further Action Taken  
Date: \_\_\_\_\_ By: \_\_\_\_\_

Final Review and Data-Entry  
Date: \_\_\_\_\_ By: \_\_\_\_\_  
Claim Numbers of Split, if any:

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Original to be mailed to Idaho Department of Water Resources  
Copies to Former Owner and New Owner

EXHIBIT "A"

TOWNSHIP 14 NORTH, RANGE 43 EAST, BOISE MERIDIAN, FREMONT COUNTY, IDAHO

SECTION 1: Lots 1, 2, 3 and 4; S1/2NE1/4; S1/2NW1/4; SE1/4; E1/2SW1/4; Less highway right-of-way.

SECTION 2: That portion of the E1/2 lying East of the Center line of the State highway.

SECTION 12: NE1/4NE1/4.

SUBJECT TO an Easement for carrying irrigation water and flooding over a portion of Sections 1 and 12, Township 14 North, Range 43 East, Boise Meridian, as given to the North Fork Reservoir Company, a corporation, by Quitclaim Deed recorded October 7, 1926, in Book 28 of Deeds, page 214.

TOWNSHIP 14 NORTH, RANGE 44 EAST, BOISE MERIDIAN, FREMONT COUNTY, IDAHO

SECTION 6: Lots 4, 5, 6 and 7, E1/2SW1/4.

SECTION 7: Lots 4, 5, 6, 7, 9, 10, 11, 12 and 13; NE1/4; NE1/4NW1/4; SE1/4SW1/4.

SECTION 8: Lots 2 and 3.

SECTION 17: Lots 1, 2, 3 and 4.

SECTION 18: Lots 1, 2 and 3.

SUBJECT TO an Easement for carrying irrigation water and flooding over a portion of Sections 7, 8, 17 and 18, Township 14 North, Range 44 East, Boise Meridian, as given to the North Fork Reservoir Company, a corporation, by Quitclaim Deed recorded October 7, 1926, in Book 28 of Deeds, page 214, and by Warranty Deed recorded October 7, 1926, in Book 28 of Deeds, page 207.

Together with all mineral and mineral rights, water and water rights, ditch and ditch rights, grazing and grazing rights, including:

| <u>IDWR Ref. No.</u> | <u>Priority Date</u> |                 | <u>Total Qty. Appropriated CFS</u> |
|----------------------|----------------------|-----------------|------------------------------------|
| A21-11200✓           | 10/12/12             | Jones Creek     | 3.32                               |
| A21-00163B✓          | 9/15/13              | Henry's Fork    | 6.00                               |
| A21-11199✓           | 10/12/12             | Stephen's Creek | 2.54                               |
| A21-11198✓           | 3/01/06              | Crooked Creek   | 4.23                               |
| A21-11194✓           | 11/25/02             | Henry's Fork    | 17.03                              |
| A21-00179✓           | 6/01/14              | Twin Creek      | 2.23                               |
| A21-00178✓           | 6/01/12              | Twin Creek      | 2.23                               |
| A21-11192✓           | 4/01/39              | Henry's Fork    | 10.23                              |

25 acre feet of storage water in Island Park Reservoir.

| <u>Landlord</u>       | <u>Tenant</u> | <u>Lease No.</u>    | <u>Acres</u> | <u>AUM's</u> |
|-----------------------|---------------|---------------------|--------------|--------------|
| U.S. Government (BLM) | Hittson       | 04323               | 90.4         | 33           |
| State of Idaho        | Hittson       | A portion of G-8823 | 80           | 48           |

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M. B. Hiller, Esq.  
HILLER, BENJAMIN & ASSOCIATES  
P. O. Box 52020  
Idaho Falls, ID 83405  
Telephone: (208) 525-3200

Microfilm No. 430673  
Day 1 Apr 19 94  
At 12:30 O'clock P M  
MICKIE FUNKE  
FREMONT CO. RECORDER  
Fee \$ 9- Deputy  
Recorded At Request of  
First American Title Company

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNEVILLE  
MAGISTRATES DIVISION

In the Matter of the Estate )

of: )

MARYELLEN HITTSON, )

Deceased. )

Case No. E-3074

PERSONAL REPRESENTATIVE'S  
DEED

THIS PERSONAL REPRESENTATIVE'S DEED is made and entered into  
this 28th day of March, 1994, between M. B. HILLER as Personal  
Representative of the Estate of Maryellen Hittson, deceased, also  
known as Mary Ellen R. Hittson ("Grantor" herein) and THE NATURE  
CONSERVANCY, a District of Columbia non-profit corporation, 1815 N.  
Lynn Street, Arlington, Virginia, 22209, and P. O. Box 165, Sun  
Valley, Idaho, 83353 ("Grantee" herein).

W I T N E S S E T H:

That Grantor, for and in consideration of the sum of Ten  
Dollars (\$10.00), the receipt of which is hereby acknowledged, does  
hereby grant, bargain, sell, convey and confirm unto THE NATURE  
CONSERVANCY, a District of Columbia non-profit corporation, all  
right, title and interest of the estate of the decedent at the time  
of her death, and all right, title and interest that the estate may

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NOV 06 1996

have subsequently acquired under the law, in and to the following described property (including mineral, water and grazing rights), located in Fremont County, Idaho, to-wit:

See Exhibit "A" Attached hereto, and incorporated herein.

TO HAVE AND TO HOLD all and singular the said premises, together with the rents, issues and profits thereof, and the improvements, tenements, hereditaments and appurtenances thereunto belonging or appertaining unto the said Grantee.

WITNESS the hand and seal of the Grantor this 28th day of March, 1994.

  
M. B. Hiller  
 Personal Representative of the  
 Estate of Maryellen Hittson

STATE OF IDAHO )  
 ) ss.  
 County of Bonneville )

ON THIS 28th day of March, 1994, before me, Theo L. Storer, a Notary Public in and for said State, personally appeared M. B. HILLER, known to me to be the Personal Representative of the Maryellen Hittson estate, whose name is subscribed to the within and foregoing instrument, and acknowledged to me that he subscribed his name to said instrument as Personal Representative of the Maryellen Hittson estate.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above



  
Theo L. Storer  
 Notary Public for Idaho  
 Residing at: Idaho Falls, ID  
 My commission expires: 4-13-99

PERSONAL REPRESENTATIVE'S DEED - 2

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 NOV 06 1996

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| A21-00179            | 6/01/14              | Twin Creek      | 2.23                               |
| A21-00178            | 6/01/12              | Twin Creek      | 2.23                               |
| A21-11192            | 4/01/39              | Henry's Fork    | 10.23                              |

25 acre feet of storage water in Island Park Reservoir.

| <u>Landlord</u>          | <u>Tenant</u> | <u>Lease No.</u>       | <u>Acres</u> | <u>AUM's</u> |
|--------------------------|---------------|------------------------|--------------|--------------|
| U.S. Government<br>(BLM) | Hittson       | 04323                  | 90.4         | 33           |
| State of Idaho           | Hittson       | A portion<br>of G-8823 | 80           | 48           |

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LIMITED POWER OF ATTORNEY

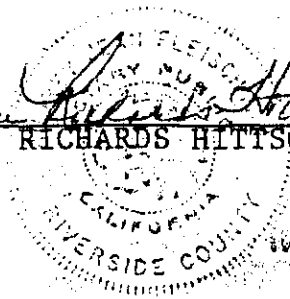
KNOW ALL MEN BY THESE PRESENTS: That I, MARYELLEN RICHARDS HITTSON, of Blaine County, Idaho, do hereby make, constitute and appoint WILLIS B. BENJAMIN, my attorney, of Bonneville County, Idaho, my true and lawful attorney-in-fact, for me and in my name, place and stead, to execute any and all documents, instruments or papers required or necessary with regard to all water and water rights of any nature in the State of Idaho relative to all lands which I hold in said State.

Granting and giving unto said attorney-in-fact, WILLIS B. BENJAMIN, full authority and power to do and perform any and all other acts necessary or incident to the performance and execution of the powers herein expressly granted, with power to do and perform all acts authorized hereby, as fully to all intents and purposes as I might or could do if personally present.

And I hereby ratify, confirm and allow whatever my attorney shall lawfully do in the premises.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 14<sup>th</sup> day of February, 1989.

  
MARYELLEN RICHARDS HITTSON



OCT 23 1992

STATE OF CALIFORNIA                    )  
                                              : ss.  
County of Riverside,                    )

ON THIS 14<sup>th</sup> day of February, 1989, before me,  
Audrey Jean Fleischman, a Notary Public in and for  
said state, personally appeared MARYELLEN RICHARDS HITTSON,  
known to me to be the person whose name is subscribed to the  
within and foregoing Limited Power of Attorney, and  
acknowledged to me that she executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and  
affixed my official seal, the day and year in this certificate  
first written.

Audrey Jean Fleischman  
NOTARY PUBLIC for California  
Residing at: Palmer Desert  
My Commission expires: Sept 20, 1991

(seal)

